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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,418	03/01/2004	Paolo Veglio	9562	1478
27752	7590	09/30/2009		
THE PROCTER & GAMBLE COMPANY			EXAMINER	
Global Legal Department - IP			CRAIG, PAUL A L	
Sycamore Building - 4th Floor			ART UNIT	PAPER NUMBER
299 East Sixth Street			3761	
CINCINNATI, OH 45202				
		MAIL DATE	DELIVERY MODE	
		09/30/2009	PAPER	

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/790,418

Filing Date: March 01, 2004

Appellants: VEGLIO ET AL.

Jason J. Camp
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 31, 2009 and the supplementary appeal brief filed May 21, 2009, appealing from the Office action mailed June 3, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief as filed on May 21, 2009 is generally correct. Appellant indicates that Claim 1 requires that the topsheet and backsheet each comprise relatively hydrophobic nonwoven material. For Claim 18, Appellant indicates that the topsheet and backsheet each comprise relatively hydrophobic spunbonded nonwoven material. For Claim 20, Appellant indicates that the topsheet and backsheet each comprise relatively hydrophobic fluid repellent

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spunbonded nonwoven material. Claims 1, 18, and 20 do not use the term "each" in these limitations. For Claim 18, Appellant indicates that the outer periphery of the sanitary napkin is substantially larger than the core outer periphery; Claim 18 does not use the term "substantially" in this limitation. For Claim 20, Appellant indicates that the outer periphery of the pantiliner is substantially larger than the core outer periphery; Claim 20 does not use the term "substantially" in this limitation.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,713,069	WANG et al.	12-1987
5,549,589	HORNEY et al.	8-1996
2003/0187417	KUDO et al.	10-2003
6,582,411	CARSTENS et al.	6-2003

(9) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims:

Claims 1-4, 6-7, 10, 12-14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (U.S. 4,713,069) in view of Horney (U.S. 5,549,589).

For Claim 1, Wang teaches a sanitary napkin having a body-facing side and a garment facing side (Abstract, Figs. 1-2, col. 1, lines 30-43, col. 7, lines 65-68, col. 13, line 66 to col. 14, line 11). The sanitary napkin includes a fluid permeable topsheet 13, a fluid permeable backsheet 11, and an absorbent core 12 disposed therebetween (Figs. 1-2, col. 13, line 66 to col. 14, line 11). Wang teaches the absorbent core 12 defining a core outer periphery (Figs. 1-2, col. 13, line 66 to col. 14, line 11). Wang teaches that the standard sanitary napkin includes fluff (col. 14, lines 34-60; note standard fluff for sanitary napkins is made from wood pulp or the like, and is hydrophilic). The backsheet 11 includes relatively hydrophobic nonwoven material (Abstract, Figs. 1-2, col. 9, lines 3-66; note that polyolefins are hydrophobic). Wang teaches the topsheet 13 and the backsheet 11 defining a sanitary napkin outer periphery that is substantially larger than the core outer periphery, the sanitary napkin outer periphery completely surrounds the core outer periphery and is fully capable of being a breathable zone (Abstract, Figs. 1-2, col. 1, lines 30-44, col. 8, lines 4-66, col. 9, lines 3-28, col. 16, lines 28-68). The sanitary napkin includes a fluid impermeable barrier between the backsheet 11 and the absorbent core 12, the fluid impermeable barrier being disposed within the core outer periphery and not extending beyond the core outer periphery (fluid impermeable barrier is the additional layer of the central zone 14, Abstract, Fig. 1, col. 8, lines 4-64, col. 13, line 66 to col. 14, line 11). Wang does not expressly teach the absorbent core including relatively hydrophilic material, the topsheet

including relatively hydrophobic nonwoven material, nor the garment-facing side having pressure sensitive adhesive for affixing to a wearer's undergarment. However, relatively hydrophilic absorbent cores and relatively hydrophobic topsheets are well known in the art. It is also well known in the art for the garment-facing side of a sanitary napkin to include pressure sensitive adhesive for affixing to a wearer's undergarment. Horney confirms this and teaches a sanitary napkin having a relatively hydrophilic absorbent core and a relatively hydrophobic topsheet 22 (absorbent core includes absorbent core 25, distribution member 24, and acquisition layer 27; Figs. 1-2, col. 3, lines 12-20, col. 4, lines 26-55, col. 10, lines 31-52, col. 12, lines 54-64, col. 13, lines 25-67, col. 14, lines 45-67, col. 16, lines 1-61). Horney teaches that a generally hydrophobic topsheet helps to isolate the wearer's skin from liquids in the absorbent core (col. 14, lines 59-67, col. 16, lines 45-56). Horney also teaches the garment-facing side of the napkin having pressure sensitive adhesive for affixing to a wearer's undergarment (col. 15, lines 36-67). Horney teaches that the adhesive maintains the sanitary napkin in its position within the panty during use (col. 15, lines 65-67). It would have been obvious to one of ordinary skill in the art to modify Wang to include the absorbent core having relatively hydrophilic material and the topsheet having relatively hydrophobic nonwoven material, as taught by Horney, to isolate the wearer's skin from liquids in the absorbent core, as taught by Horney. It would also have been obvious to one of ordinary skill in the art to modify Wang to include the garment-facing side having pressure sensitive adhesive for affixing to a wearer's undergarment, as taught by Horney, to maintain the sanitary napkin in its position within the panty during use, as taught by Horney.

For Claim 2, Wang teaches the backsheet 11 having sufficient hydrophobicity to be rendered fluid repellent (Abstract, Figs. 1-2, col. 8, lines 1-66, col. 9, lines 3-66; note that polyolefins are hydrophobic).

For Claim 3, Wang teaches the topsheet 13 and the backsheet 11 having a common outer periphery (Fig. 1).

For Claim 4, Wang teaches that the fluid impermeable barrier should have dimensions sufficient to provide the desired protection against leakage (fluid impermeable barrier is the additional layer of the central zone 14, Abstract, col. 8, lines 24-31). Wang does not expressly teach the periphery of the fluid impermeable barrier coinciding with the core outer periphery. The dimensions of the fluid impermeable barrier are a result effective variable, since this affects leakage. The discovery of an optimum value of a result effective variable is ordinarily within the ordinary skill in the art. See *In re Boesch and Slaney*, 205 USPQ 215 (CCPA 1980).

For Claim 6, Wang teaches the core outer periphery defining a generally oval shape (Figs. 1-2).

For Claim 7, Wang does not expressly teach the sanitary napkin periphery defining a generally hour-glass shape. However, sanitary napkins having a periphery with a generally hour-glass shape are well known in the art. Horney confirms this and teaches the sanitary napkin having an hour-glass shape (col. 3, lines 12-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wang to include the sanitary napkin periphery defining a generally hour-glass shape, as taught by Horney.

For Claim 10, Wang teaches a topsheet 13 (Fig. 1, col. 14, lines 1-5). Wang does not teach the topsheet being a spunbonded nonwoven web. However, the use of spunbonded nonwoven webs as topsheets is well known in the art. Horney confirms this and teaches a topsheet which is a spunbonded nonwoven web (col. 16, lines 45-65). It would have been obvious to one of ordinary skill in the art to modify Wang to include the topsheet being a spunbonded nonwoven web, as taught by Horney.

For Claim 12, Wang teaches the backsheet 11 including a spunbonded nonwoven web (Abstract, col. 8, lines 40-53, col. 9, lines 3-28).

For Claim 13, Wang teaches the backsheet including polypropylene fibers (col. 9, lines 12-66).

For Claim 14, Wang does not expressly teach the absorbent core including superabsorbent material. However, the use of superabsorbent material in an absorbent core is well known in the art. Horney confirms this and teaches superabsorbent material in the absorbent core (col. 3, lines 20-26, col. 4, lines 15-25, col. 10, lines 31-51, col. 12, lines 54-64, col. 13, lines 25-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wang to include superabsorbent material in the absorbent core, as taught by Horney.

For Claim 16, Wang teaches a core 12 (Fig. 1, col. 14 lines 1-5). Wang does not expressly teach the core including a carded airlaid web. However, carding and airlaying are well known in the art. Horney confirms this and teaches the core formed by air-laying or carding (col. 9, lines 22-25, col. 10, lines 26-30). It would have been obvious

to one of ordinary skill in the art to modify Wang to include the core having a carded airlaid web, as taught by Horney.

For Claim 17, the sanitary napkin of Wang is fully capable of being used as a pantiliner (Figs. 1-2, col. 1, lines 30-43, col. 7, lines 66-68).

Claims 5, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al in view of Horney and further in view of Kudo (US 2003/0187417).

For Claim 5, Wang/Horney teach all the limitations of Claim 1, as described above. Wang teaches entangling of fibers of different layers of the absorbent article (col. 18, lines 37-53). Wang does not expressly teach the topsheet and the core being joined by mechanical entangling of a portion of their respective fibers. However, joining a topsheet to a core by mechanically entangling of a portion of their respective fibers is well known in the art of absorbent articles. Kudo confirms this and teaches a sanitary napkin in which a topsheet is joined to a core by mechanically entangling a portion of their respective fibers (topsheet is top layer 5, core is absorbent layer 4, Figs. 1-7, Abstract, Paragraphs 11-17, 44, 46, and 98, and Claim 1). Kudo teaches that this bonding increases wet strength of the absorbent core and results in body fluid being more easily absorbed by the absorbent layer (paragraph 17). It would have been obvious to one of ordinary skill in the art to modify Wang to include joining the topsheet to the core by mechanically entangling a portion of their respective fibers, as taught by Kudo, to increase wet strength of the absorbent core and make body fluid more easily absorbed, as taught by Kudo.

For Claim 9, Wang teaches entangling of fibers of different layers of the absorbent article (col. 18, lines 37-53). Wang does not teach the topsheet and the absorbent core being embossed to expose and entangle fibers from the core with the topsheet. However, the topsheet and the absorbent core being embossed to expose and entangle fibers from the core with the topsheet is well known in the art of absorbent articles. Kudo confirms this and teaches the topsheet and the absorbent core being embossed to expose and entangle fibers from the core with the topsheet (Figs. 1-7, Abstract, Paragraphs 11-17). Kudo teaches that the embossing increases the wet strength of the absorbent layer and makes body fluid easily absorbed by the absorbent layer (Paragraph 17). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wang to include the topsheet and the absorbent core being embossed to expose and entangle fibers from the core with the topsheet, as taught by Kudo, to increase the wet strength of the absorbent layer and make body fluid easily absorbed by the absorbent layer, as taught by Kudo.

For Claim 11, Wang does not teach the topsheet including bicomponent fibers. However, bicomponent fibers are well known for use in topsheets for absorbent articles. Kudo confirms this and teaches a sanitary napkin having a bicomponent topsheet (top layer 5, paragraphs 63-64, 70, 84, 103, 112, 114-118). Kudo teaches that the topsheet using such fibers is resilient even under pressure from the body of a wearer (paragraph 70). It would have been obvious to one of ordinary skill in the art to modify Wang to include the topsheet having bicomponent fibers, as taught by Kudo, to provide a topsheet which is resilient under pressure, as taught by Kudo.

Claims 15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al in view of Horney and further in view of Carstens (US 6,582,411).

For Claim 15, Wang/Horney teach all the limitations of Claim 14, as described above. Wang does not teach superabsorbent fibers. However, superabsorbent fibers in the absorbent core are well known in the art of absorbent articles. Carstens confirms this and teaches superabsorbent material in the absorbent core including superabsorbent fibers (Figs. 1-2, col. 11, line 25 to col. 12, line 13). Carstens teaches that superabsorbent fibers are preferred because of their greater capacity compared to other superabsorbents (col. 11, line 66 to col. 12, line 13). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wang to include superabsorbent fibers in the absorbent core, as taught by Carstens, to provide greater capacity, as taught by Carstens.

For Claim 18, Wang teaches a sanitary napkin including a fluid permeable topsheet 13, a fluid permeable backsheet 11, and an absorbent core 12 disposed therebetween (Abstract, Figs. 1-2, col. 1, lines 30-43, col. 7, lines 65-68, col. 13, line 66 to col. 14, line 11). Wang teaches the absorbent core 12 defining a core outer periphery (Figs. 1-2, col. 13, line 66 to col. 14, line 11). Wang teaches that a standard sanitary napkin includes fluff (col. 14, lines 34-60; note that standard fluff for sanitary napkins is made from wood pulp or the like, and is hydrophilic). The backsheet 11 includes relatively hydrophobic spunbonded nonwoven material (Abstract, Figs. 1-2, col. 9, lines 3-66; note that polyolefins are hydrophobic). Wang teaches the topsheet 13 and the

backsheet 11 defining a sanitary napkin outer periphery that is substantially larger than the core outer periphery; the sanitary napkin outer periphery completely surrounds the core outer periphery and is fully capable of being a breathable zone such that vapors can permeate completely through the sanitary napkin in the breathable zone (Abstract, Figs. 1-2, col. 1, lines 30-44, col. 8, lines 4-66, col. 9, lines 3-28, col. 16, lines 28-68). The sanitary napkin includes a fluid impermeable barrier between the backsheet 11 and the absorbent core 12, the fluid impermeable barrier being disposed adjacent to the absorbent core, within the core outer periphery and not extending beyond the core outer periphery (fluid impermeable barrier is the additional layer of the central zone 14, Abstract, Fig. 1, col. 8, lines 4-64, col. 13, line 66 to col. 14, line 11). Wang does not expressly teach the absorbent core including relatively hydrophilic airlaid nonwoven material having fibrous AGM; nor the topsheet including relatively hydrophobic spunbonded nonwoven material. However, relatively hydrophilic absorbent cores and relatively hydrophobic topsheets are well known in the art. Having fibrous AGM in the absorbent core is also well known. Horney confirms that a relatively hydrophilic absorbent core and a relatively hydrophobic spunbonded nonwoven topsheet is well known, and teaches a sanitary napkin having a relatively hydrophilic absorbent core and a relatively hydrophobic spunbonded nonwoven topsheet 22 (absorbent core includes absorbent core 25, distribution member 24, and acquisition layer 27; Figs. 1-2, col. 3, lines 12-20, col. 4, lines 26-55, col. 10, lines 31-52, col. 12, lines 54-64, col. 13, lines 25-67, col. 14, lines 45-67, col. 16, lines 1-65). Horney teaches that a generally hydrophobic topsheet helps to isolate the wearer's skin from liquids in the absorbent

core (col. 14, lines 59-67, col. 16, lines 45-56). Carstens confirms that fibrous AGM is well known and teaches a sanitary napkin including fibrous AGM in the absorbent core (col. 11, line 46 to col. 12, line 20). Carstens teaches that fibrous AGM is preferred because of its greater capacity compared to other superabsorbents (col. 11, line 66 to col. 12, line 13). It would have been obvious to one of ordinary skill in the art to modify Wang to include the absorbent core having relatively hydrophilic material and the topsheet having relatively hydrophobic spunbonded nonwoven material, as taught by Horney, to isolate the wearer's skin from liquids in the absorbent core, as taught by Horney. It would also have been obvious to modify Wang to include fibrous AGM in the absorbent core, as taught by Carstens, to provide greater capacity, as taught by Carstens.

For Claim 20, Wang teaches a thin absorbent sanitary pad which is fully capable of being used as a pantiliner (Abstract, Figs. 1-2, col. 1, lines 30-43, col. 7, lines 65-68, col. 13, line 66 to col. 14, line 11). Wang teaches the pad including a fluid permeable topsheet 13, a fluid permeable backsheet 11, and an absorbent core 12 disposed therebetween (Abstract, Figs. 1-2, col. 1, lines 30-43, col. 7, lines 65-68, col. 13, line 66 to col. 14, line 11). Wang teaches the absorbent core 12 defining a core outer periphery (Figs. 1-2, col. 13, line 66 to col. 14, line 11). Wang teaches that a standard sanitary napkin includes fluff (col. 14, lines 34-60; note that standard fluff for sanitary napkins is made from wood pulp or the like, and is hydrophilic). The backsheet 11 includes relatively hydrophobic fluid repellent spunbonded nonwoven material (Abstract, Figs. 1-2, col. 9, lines 3-66; note that polyolefins are hydrophobic). Wang teaches the topsheet

13 and the backsheet 11 defining a pad outer periphery that is larger than the core outer periphery; the pad outer periphery completely surrounds the core outer periphery and is fully capable of being a breathable zone such that vapors can permeate completely through the sanitary pad in the breathable zone (Abstract, Figs. 1-2, col. 1, lines 30-44, col. 8, lines 4-66, col. 9, lines 3-28, col. 16, lines 28-68). The pad includes a fluid impermeable barrier between the backsheet 11 and the absorbent core 12, the fluid impermeable barrier being disposed adjacent to the absorbent core, within the core outer periphery and not extending beyond the core outer periphery (fluid impermeable barrier is the additional layer of the central zone 14, Abstract, Fig. 1, col. 8, lines 4-64, col. 13, line 66 to col. 14, line 11). Wang teaches that a wide variety of materials may be used for the fluid impermeable barrier (col. 8, line 4 to col. 10, line 65). Wang teaches a polyethylene film (col. 8, lines 40-66, col. 9, lines 47-59). Wang does not expressly teach the absorbent core including relatively hydrophilic airlaid nonwoven material having at least about 5 wt% AGM fiber content; the topsheet including relatively hydrophobic spunbonded nonwoven material; the absorbent core having a basis weight of between about 50 gsm and 100 gsm; nor the fluid impermeable barrier being a polyethylene film. However, relatively hydrophilic absorbent cores and relatively hydrophobic topsheets are well known in the art. Having fibrous AGM in the absorbent core is also well known. Applicant's specification does not disclose that a polyethylene film for the fluid impermeable barrier serves any stated purpose or solves any particular problem. Horney confirms that a relatively hydrophilic absorbent core and a relatively hydrophobic spunbonded topsheet is well known, and teaches a pantiliner having a

relatively hydrophilic absorbent core and a relatively hydrophobic topsheet 22 (absorbent core includes absorbent core 25, distribution member 24, and acquisition layer 27; Abstract, Figs. 1-2, col. 3, lines 12-20, col. 4, lines 26-55, col. 10, lines 31-52, col. 11, lines 1-15, col. 12, lines 54-64, col. 13, lines 25-67, col. 14, lines 45-67, col. 16, lines 1-65). Horney teaches that a generally hydrophobic topsheet helps to isolate the wearer's skin from liquids in the absorbent core (col. 14, lines 59-67, col. 16, lines 45-56). Carstens confirms that fibrous AGM is well known and teaches a sanitary pad including at least about 5 wt% fibrous AGM in the absorbent core (col. 11, line 46 to col. 12, line 20, col. 12, line 53 to col. 13, line 26). Carstens teaches that fibrous AGM is preferred because of its greater capacity compared to other superabsorbents (col. 11, line 66 to col. 12, line 13). Carstens also teaches the absorbent core having a basis weight of between about 50 gsm and 100 gsm (col. 11, line 66 to col. 12, line 20, col. 13, lines 3-25). Basis weight is a result effective variable, since it affects capacity, thinness, resilience, and comfort. The discovery of an optimum value of a result effective variable is ordinarily within the ordinary skill in the art. See *In re Boesch and Slaney*, 205 USPQ 215 (CCPA 1980). It would have been obvious to one of ordinary skill in the art to modify Wang to include the absorbent core having relatively hydrophilic material and the topsheet having relatively hydrophobic spunbonded nonwoven material, as taught by Horney, to isolate the wearer's skin from liquids in the absorbent core, as taught by Horney. It would also have been obvious to modify Wang to include at least about 5 wt% fibrous AGM in the absorbent core and to have the basis weight of the absorbent core between about 50 gsm and 100 gsm, as taught by Carstens, to

provide suitable capacity, as taught by Carstens. In light of Wang's teaching of a polyethylene film and of the use of a wide variety of materials for the fluid impermeable barrier, it would have been obvious to modify Wang to include the fluid impermeable barrier being a polyethylene film.

For Claim 19, the sanitary napkin of Wang is fully capable of being used as a pantiliner (Figs. 1-2, col. 1, lines 30-43, col. 7, lines 66-68).

(10) Response to Argument

Appellant argues that the baffle 11 of Wang is clearly fluid impermeable, as the central and non-central zones of the baffle 11 are impermeable to menses. Appellant argues that therefore Wang does not teach a fluid pervious backsheet. However, the claims do not indicate the type of fluid to which the backsheet is permeable, nor the amount of fluid which must permeate through the backsheet for it to be considered permeable. Menses may include viscous liquids as well as actual solids, so that Wang's description of baffle 11 as impermeable to menses does not clearly indicate the baffle's permeability to all fluids. Wang expressly teaches that the non-central zone of the baffle 11 may be a clothlike or fibrous porous substrate, a nonwoven web, a microporous film, a meltblown web, or knitted fabric (Abstract, Fig. 1, col. 7, lines 37-48, col. 8, lines 49-63, col. 9, lines 3-28 and 60-66, col. 11, lines 16-33, col. 14, lines 1-11, Claim 1). The additional layer of the central zone 14 of the baffle 11 of Wang corresponds to the fluid impermeable barrier of Appellant's claims (Abstract, Fig. 1, col. 7, lines 8-48, col. 8, lines 4-63, col. 9, line 67 to col. 10, line 41). Wang teaches that the non-central zone of

the baffle 11 is more permeable to water vapor and also more permeable to menses than is the central zone 14 of the baffle 11 (Abstract, Fig. 1, col. 8, lines 4-60, col. 9, lines 3-7, Claim 1).

Wang teaches the non-central zone of baffle 11 as being impermeable to menses under certain conditions (Abstract, col. 14, lines 17-60, Claim 1). Wang does not state that the non-central zone of baffle 11 is completely impermeable to menses, much less that the non-central zone of baffle 11 is fluid impermeable. The disclosure of Wang makes clear that the terms "fluid impermeable" and "fluid permeable" are relative terms (Abstract, col. 14, lines 12-60).

Appellant's specification describes backsheet 22 as being formed from any vapor permeable material known in the art, such as a microporous formed film, an apertured formed film, or other polymer film, with a nonwoven web described as preferred, and with a spunbonded nonwoven web of polypropylene fibers described as most preferred (specification, page 4, lines 18-30). Applicant's specification indicates that the backsheet 22 may be a hydrophobic, fluid permeable nonwoven web which is fluid repellent and functions as a liquid barrier although it is liquid permeable (page 5, lines 6-10, page 7, lines 8-25). Appellant's Claims 2 and 20 indicate that the fluid permeable backsheet is fluid repellent, so that fluid repellent backsheets must be included within the scope of the term "fluid permeable". No other definition is provided in the specification of the phrase "fluid permeable". The claims do not require a "fluid pervious" backsheet.

As described above, Applicant's specification indicates that any vapor permeable material, including microporous formed films and spunbonded nonwoven webs, is suitable for the backsheet, and that fluid repellent materials are also suitable for the backsheet. As described above, Wang discloses a clothlike porous substrate for the baffle which may be a microporous formed film or a spunbonded nonwoven web. No appreciable difference between the fluid permeability of the backsheet disclosed and/or claimed by Applicant and the fluid permeability of the porous substrate disclosed by Wang is apparent to the Examiner.

Appellant argues that the baffle 11 of Wang cannot constitute a backsheet as it is not an outer layer of the absorbent article. The claims do not require that the backsheet is an outer layer of the absorbent article. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Appellant argues that fluid pervious cover 13 of Wang wraps around the underside of sanitary pad 10, and that therefore baffle 11 of Wang may be interpreted to be a fluid impermeable barrier as required by the claims (Appellant's reference to "Chen et al." on page 3, line 24 of the appeal brief is considered by the Examiner to be a typographical error for "Wang et al."). However, the Examiner has interpreted the additional layer of the central zone 14 of Wang to be the fluid impermeable barrier; the non-central zone of baffle 11 is the fluid permeable backsheet (col. 7, lines 8-48, col. 8, lines 4-63, col. 9, line 67 to col. 10, line 41).

Appellant argues that Wang teaches nothing about its fluid pervious cover 13, and that as a result, Wang does not teach or suggest a topsheet and a backsheet that are each comprised of a relatively hydrophobic nonwoven material. However, Wang teaches a backsheet 11 of a relatively hydrophobic nonwoven material (Abstract, Figs. 1-2, col. 9, lines 3-66; note that polyolefins are hydrophobic). Wang is not relied on by the Examiner to teach a topsheet of a relatively hydrophobic nonwoven material; this is taught by the secondary reference, Horney (topsheet 22; Figs. 1-2, col. 3, lines 12-20, col. 4, lines 26-55, col. 10, lines 31-52, col. 12, lines 54-64, col. 13, lines 25-67, col. 14, lines 45-67, col. 16, lines 1-61).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/PAULA L. CRAIG/

Examiner, Art Unit 3761

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